

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAMON L. DIXON,
Petitioner,

v.

WARDEN,
Respondent.

Case No. 20-05846 EJD (PR)

**ORDER VACATING ORDER OF
DISMISSAL AND JUDGMENT AND
REOPENING CASE**

(Docket No. 12)

On August 19, 2020, Petitioner, a state prisoner, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, Dkt. No. 1, which was assigned to the Honorable Magistrate Judge Thomas S. Hixson. Dkt. No. 3. On September 22, 2020, Judge Hixson denied Petitioner's motion for leave to proceed in forma pauperis, Dkt. Nos. 5, 6, because his trust account statement showed sufficient funds to pay the \$5.00 filing fee, and directed Petitioner to pay the fee within twenty-eight days of the order to avoid dismissal. Dkt. No. 7. When Petitioner failed to respond in the time provided, on December 1, 2020, Judge Hixson directed the matter be reassigned to a district judge with a report and recommendation that the petition be dismissed without prejudice to filing a motion to reopen the action, accompanied by the full filing fee. Dkt. No. 8. The matter was reassigned to the undersigned on December 2, 2020. Dkt. No. 9. On December 9, 2020,

1 the Court adopted the Report and Recommendation of Judge Hixon in full, and dismissed
2 the matter; judgment was entered the same day. Dkt. Nos. 10, 11.

3 On March 10, 2021, Petitioner filed a letter stating he experienced difficulties with
4 the mail due to the pandemic and then later was transferred to another institution. Dkt. No.
5 12. He indicates that he sent the filing fee, and “objects” to the closing of the case. Id.
6 More recently, the docket indicates that the filing fee was paid on May 20, 2021. Dkt. No.
7 13. Accordingly, in the interest of justice, the Court shall order the matter reopened.

8 The Clerk shall vacate the December 9, 2020, Order of Dismissal and Judgment,
9 Dkts. No. 10 and 11, and reopen this case. The Court will conduct an initial review of the
10 petition in a separate order.

11 **IT IS SO ORDERED.**

12 Dated: May 24, 2021



EDWARD J. DAVILA
United States District Judge